

REMARKS

Claims 6-8, 10-12, 19-21, and 23-25 were pending in the application and all were rejected. Claims 6, 10, 19, and 23 were amended. Applicant respectfully requests reconsideration.

ALLOWABLE SUBJECT MATTER

The Office Action found that claims 7-8 and 11-12 would be allowable if claims 6 and 10 were rewritten or amended to overcome the 101 and 112 rejections.

CLAIM REJECTIONS UNDER 35 USC §112

The Office Action rejected claims 6-8, 10-12, 19-21, and 23-25 under 35 USC 112, second paragraph, as being indefinite. The claims have been amended to correct all formal errors.

CLAIM REJECTIONS UNDER 35 USC §101

The Office Action rejected claims 6-8 and 10-12 under 35 USC 101 not falling within one of the four statutory categories of invention. Claim 6 is directed to statutory subject matter because it is tied to a machine. Claim 6 is tied to a hierarchical network which is a machine. A network is defined as “A system that transmits any combination of voice, video and/or data between users. The network includes the network operating system in the client and server machines, the cables connecting them and all supporting hardware in between such as bridges, routers and switches. In wireless systems, antennas and towers are also part of the network.” Moreover, to advance prosecution, claim 6 has been amended to require the use of machines to

perform the steps. For example, consider that the step of selecting at least one non-sole-access element must now be performed by switch control logic. Freedman, *Computer Desktop Encyclopedia*, 9th Edition, Osborne, McGraw-Hill (2001). Claims 7 and 8 are also directed to patentable subject matter at least by virtue of their dependence on claim 6.

Claim 10 is directed to statutory subject matter because it is tied to a machine (network). Claims 11 and 12 are also directed to patentable subject matter at least by virtue of their dependence on claim 10.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims and thanks the Examiner for the finding of allowability. The Director is hereby authorized to charge any fees which may be required, including any petition for extension of time fees under §1.17, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

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